REMARKS

Claims 1-21 are pending in the present application.

Claim 1 sets forth an interconnect for a location dependent device. The interconnect includes a plurality of electrical contacts external to the location dependent device. The plurality of electrical interconnects can provide a signal indicative of a physical location of the location dependent device when the location dependent device is installed. Claims 8-12 depend from independent claim 1.

Claim 13 sets forth a system for determining a position of at least one location dependent device deployed on a vehicle. The system includes at least one bus capable of transmitting at least one bus signal and a plurality of interconnects. Each of the plurality of interconnects is capable of receiving the bus signal from the bus and providing the bus signals to at least one location dependent device associated with the interconnect. The system also includes a plurality of electrical contacts. At least two of the plurality of electrical contacts are associated with each of the interconnects and are capable of providing a signal indicative of a physical location of the interconnect to the location dependent device associated with the interconnect when the location dependent device is installed. Claims 14-21 depend from independent claim 13.

In the Office Action, claims 1-11, 13-19, and 21 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1-14 and 18-25 of co-pending Patent Application Serial No. 10/649,074.

Before addressing the Examiner's rejections, Applicants note that there appears to be some confusion regarding whether the Examiner's rejections is for statutory double patenting or non-statutory double patenting. Applicants note that the Examiner has cited authority for a non-statutory double patenting rejection in the section where the Examiner has made the statutory

double patenting rejection of claims 1-11, 13-19, and 21 under 35 U.S.C. § 101. In this Response, Applicants will assume that the Examiner intended to make a statutory double patenting rejection and has mistakenly included the authority for non-statutory double patenting. However, if this assumption is incorrect, Applicants request that the Examiner notify Applicants so that any intended non-statutory double patenting rejections may be addressed. Pursuant to this assumption, the Examiner's rejections of claims 1-11, 13-19, and 21 under 35 U.S.C. § 101 are respectfully traversed.

The term "same invention," in this context, means an invention drawn to *identical* subject matter. (Emphasis Added) See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970). Any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation. The claim preamble must be read in the context of the entire claim. The determination of whether preamble recitations are structural limitations or mere statements of purpose or use "can be resolved only on review of the entirety of the [record] to gain an understanding of what the inventors actually invented and intended to encompass by the claim." See MPEP 2111.02, which cites *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868, F.2d 1251, 1257, 9 USPQ2d 1962, 1966 (Fed. Cir. 1989).

The present invention sets forth an interconnect for a location dependent device, such as may be deployed on an automobile, whereas claims 1-14 and 18-25 of co-pending Application No. 10/649,074 set forth an interconnect for an attitude control device such as may be deployed on a missile. Applicants note that the "location dependent device" and "attitude control device" recited in the preamble of the corresponding claims also provide antecedent bases for these elements in the body of the claims. The terms "location dependent device" and "attitude control

device" recited in the preamble of the corresponding claims therefore breathe life and meaning into the claim. Consequently, Applicants respectfully submit that the terms "location dependent device" and "attitude control device" recited in the preamble limit the structure of the claimed invention and therefore must be treated as a claim limitation.

Applicants respectfully submit that the structure of an interconnect for an attitude control device (as set forth in claim 1-14 and 18-24) is not the same as the structure of an interconnect that may be used with any location dependent device. For example, the interconnect for the attitude control device should be able to withstand the effects of launch and/or flight, which can be quite severe. Furthermore, devices may be found that infringe one set of claims but not the other set of claims. For example, a location dependent device such as an airbag deployed in a car is clearly not an attitude control device and therefore a claim directed to an interconnect for an airbag would not infringe a claim directed to an interconnect for an attitude control device. Thus, one claim is clearly broader than the other and therefore the two claims are not of the same scope. Accordingly, a review of the entirety of the record indicates that the preamble recitations of "an interconnect for a location dependent device" and "an interconnect for an attitude control device" are not *identical*.

For at least the aforementioned reasons, Applicants respectfully submit that claims 1-11, 13-19, and 21 do not claim the same invention as claims 1-14 and 18-24 of co-pending Application No. 10/649,074. Applicants respectfully request that the Examiner's rejections of these claims under 35 USC 101 be withdrawn.

In the Office Action, claims 1 and 8-12 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Rafert (U.S. Patent No. 6,497,659). The Examiner's rejections are respectfully traversed.

Rafert describes a system for identifying a cable transmitting a signal from a sensor 10 to an electronic instrument 18. For example, a cable 12 that is connected to the sensor 10 may be connected to the electronic instrument 18 using connectors 14, 16. The sensor 10 may therefore be deployed remote from the electronic instrument 18 and the connectors 14, 16. See Rafert, col. 1, ll. 21-52 and Figure 1. Rafert is concerned with distinguishing cables from each other in a medical environment so that the cables may be quickly and accurately connected to the proper instruments. See Rafert, col. 2, ll. 36-42. Consequently, a connector 20 described by Rafert includes a capacitor 22 (or other electrical circuit), which may be identified by the microprocessor 30, *e.g.*, by applying a voltage to the capacitor 22 and measuring an RC time constant. See Rafert, col. 4, ll. 37-67 and Figure 2.

However, the device described by Rafert differs from the claimed invention in numerous ways. For example, Rafert does not teach or suggest that the sensor 10 is a location dependent device. To the contrary, Rafert appears to be unconcerned with the location of the sensor 10. For another example, the cable 12 is not a bus, as this term is understood to persons of ordinary skill in the art. For yet another example, the capacitor 22 (or other electrical circuit) in the connector 20 does not provide a signal indicative of a physical location of the location dependent device when the location dependent device is installed. For example, the capacitor 22 (or other electrical circuit) indicates that the sensor associated with the capacitor 22 (or other electrical circuit) is connected, but it provides no indication of the location of the sensor 10. The Examiner notes that the capacitor 22 indicates that the connector associated with the sensor 10 is properly mated to a connector associated with the electronic instrument 18. However, Applicants respectfully submit that no indication of the location of the sensor 10 is provided by determining whether or not the sensor 10 and electronic instrument 18 connectors are properly mated. To the

contrary, the location of the sensor 10 relative to the electronic instrument 18 may vary even after the connectors have been mated. The range of possible locations of the sensor 10 may be limited only by the length and/or flexibility of the cable 12.

For at least this aforementioned reason, Applicants respectfully submit that the present invention is not anticipated by Rafert and request that the Examiner's rejections of claims 1 and 8-12 under 35 U.S.C. 102(e) be withdrawn.

In the Office Action, claims 1, 13, and 21 were rejected under 35 U.S.C. 102(b) as being anticipated by Takagi (U.S. Patent No. 6,441,748). The Examiner's rejections are respectfully traversed.

Takagi describes a container 22 having connectors 14, a power bus 15, and a signal bus 16 to enable connection of sensor units 1 to external units. See Takagi, col. 2, line 35 – col. 3, line 5 and col. 4, ll. 27-32, as well as Figures 3-4 and 7. A differential global positioning system unit 20 may be disposed in a slot 17 of the container 22. The differential GPS unit 20 may provide *wireless* transmission of global positioning data and signals related to the road surface conditions as sensed by the sensor units 1. The Examiner then alleges that Takagi inherently describes contacts within the differential GPS unit 20 that are capable of providing a signal indicative of a physical location of the location dependent device when the location dependent device is installed, as set forth in claims 1 and 13.

Inherency in anticipation requires that the asserted proposition *necessarily* flow from the disclosure. *In re Oelrich*, 212 U.S.P.Q. (BNA) 323, 326 (C.C.P.A. 1981); *Levy*, 17 U.S.P.Q.2d (BNA) at 1463-64; *Skinner*, at 1789; *In re King*, 231 U.S.P.Q. (BNA) 136, 138 (Fed. Cir. 1986). It is not enough that a reference could have, should have, or would have been used as the claimed invention. "The mere fact that a certain thing may result from a given set of circumstances is not

sufficient." *Oelrich*, at 326, quoting *Hansgirg v. Kemmer*, 40 U.S.P.Q. (BNA) 665, 667 (C.C.P.A. 1939); *In re Rijckaert*, 28 U.S.P.Q.2d (BNA) 1955, 1957 (Fed. Cir. 1993), quoting *Oelrich*, at 326; *see also Skinner*, at 1789. "Inherency... may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." *Ex parte Skinner*, 2 U.S.P.Q.2d (BNA) 1788, 1789 (Bd. Pat. App. & Int. 1987), citing *In re Oelrich*, 666 F.2d 578, 581 (C.C.P.A. 1981).

Applicants respectfully submit that Takagi does not inherently describe or suggest a plurality of contacts capable of providing a signal indicative of a physical location of a location dependent device when the location dependent device is installed. To the contrary, Takagi teaches that the differential GPS units 20 provide *wireless* transmission of global positioning data and signals related to the road surface conditions. Electrical contacts are not required for wireless transmission. In fact, wireless transmission is by definition transmission of signals without any electrical contact between the transmitter and receiver. Thus, Takagi fails to teach or suggest (either explicitly or inherently) a plurality of contacts capable of providing a signal indicative of a physical location of the location dependent device when the location dependent device is installed, as set forth in claims 1 and 13.

For at least this aforementioned reason, Applicants respectfully submit that the present invention is not anticipated by Takagi and request that the Examiner's rejections of claims 1, 13, and 21 under 35 U.S.C. 102(b) be withdrawn.

In the Office Action, the Examiner rejected claims 1-6, 8, 11, 13-14, and 17-19 under 35 U.S.C. § 102(b) as allegedly being anticipated by Card (U.S. Patent No. 5,576,698). The Examiner's rejections are respectfully traversed.

Card describes a technique for indicating an address of a module connected to a bus using a plurality of pins. See Card, Figures 3 and 4, and related discussion. Card refers to this technique as "physical addressing of modules." However, in the context of Card, "physical addressing of modules" refers to using a physical mechanism to determine a logical address. The address described by Card is a bus address and not an address indicating a physical location. Card is completely silent with regard to the physical location of the modules coupled to the bus. To the contrary, the device described by Card is only concerned with the logical address of the module and the physical location of the module is irrelevant. Card therefore fails to teach or suggest a plurality of contacts capable of providing a signal indicative of a physical location of the location dependent device when the location dependent device is installed, as set forth in claims 1 and 13.

For at least this aforementioned reason, Applicants respectfully submit that the present invention is not anticipated by Card and request that the Examiner's rejections of claims 1-6, 8, 11, 13-14, and 17-19 under 35 U.S.C. 102(b) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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